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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,585	12/08/2003	Adam Paul Medoro	TOR7048	8954
34356	7590	04/07/2006	EXAMINER	
ASHKAN NAJAFI, P.A. 6817 SOUTHPOINT PARKWAY SUITE 2301 JACKSONVILLE, FL 32216				BEACH, THOMAS A
		ART UNIT		PAPER NUMBER
				3671

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/728,585	MEDORO, ADAM PAUL
	Examiner Thomas A. Beach	Art Unit 3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 January 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-9,11-16 and 18-20 is/are rejected.

7) Claim(s) 3,10 and 17 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Taber 3,457,015. Taber shows an apparatus for resurfacing an ice surface and having a dolly including a body and a handle 35 attached thereto, a plurality of wheels 15, 17 connected to said body and for supporting same thereon so that said dolly can be rolled on an ice surface; a reservoir 13 removably fastenable onto said body and for housing fluid therein, said reservoir having a front end portion provided with a first aperture (cap on top) for receiving fluid therethrough and further having a rear end portion provided with a second aperture 2 for dispensing fluid therefrom, and means 90 for operably receiving fluid from the second aperture and distributing fluid substantially evenly onto an ice surface adjacent to the rear end portion of said reservoir.

***Claim Rejections - 35 USC § 103***

2. Claims 2, 4, 6, 8, 9, 11, 13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taber 3,457,015 in view Jones 4,274,589. Taber shows a valve 52 connected to the second aperture and for selectively allowing fluid to flow therefrom, an elongate pipe connected to said valve and having a plurality of substantially evenly spaced perforations for allowing fluid to pass therethrough, an elongate support member 90 extending along the length of said pipe 80 and secured thereto at opposed end portions of said pipe and for assisting to maintain same at a

substantially stable position during operating conditions, but does not show a plurality of elongate ropes having one end portion attached to the rear end portion of said reservoir respectively and further having an opposed end portion attached to a corresponding end portion of said support member so that same can be maintained at a substantially stable position during operating conditions, and an applicator connected to said support member and for receiving fluid and for assisting to evenly apply fluid onto an ice surface. However, Jones shows a similar apparatus capable of dispensing water to an ice surface having a valve connected to the second aperture and for selectively allowing fluid to flow therefrom, an elongate pipe connected to said valve and having a plurality of substantially evenly spaced perforations for allowing fluid to pass therethrough, an elongate support member extending along the length of said pipe and secured thereto at opposed end portions of said pipe and for assisting to maintain same at a substantially stable position during operating conditions, a plurality of elongate ropes 44 having one end portion attached to the rear end portion of said reservoir respectively and further having an opposed end portion attached to a corresponding end portion of said support member so that same can be maintained at a substantially stable position during operating conditions (claims 9 and 16), and an applicator connected to said support member and for receiving fluid and for assisting to evenly apply fluid onto an ice surface (col. 2, lines 58-69 and col. 3, lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taber, as taught by Jones, to fold up the frame for transport, thereby improving maneuverability of the apparatus.

As concern claims 4, 11 and 18, the combination show (in figure 4 of Taber) the reservoir positioned above the rear end.

As concern claims 6 and 13, combination show cap (Taber) removably attachable to the first aperture of said reservoir and for preventing undesirable elements from entering into said reservoir.

As concern claim 8, the combination (Taber) shows cloth material around 90.

As concern claim 12, the combination shows the front end portion of said reservoir is positioned above the rear end portion thereof and for assisting to drain fluid from the reservoir.

As concern claim 13, Taber shows a plate secured to said dolly, said plate including a pin for pivotally connecting same to said handle so that said dolly can be pulled in different directions during operating conditions.

As concern claim 15, Taber at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle.

3. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taber 3,457,015 in view Sauer 4,962,892. Taber does not show said plate including a pin for pivotally connecting same to said handle so that said dolly can be pulled in different directions during operating conditions or at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle. However, Sauer shows, in figures 1-9, a similar apparatus having a plate including a pin for pivotally connecting

same to said handle so that said dolly can be pulled in different directions during operating conditions or at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taber, as taught by Sauer, to include a pivot pin and plate to improve the versatility of the apparatus by making the handle adaptable to users of varying heights.

4. Claims 12, 14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taber 3,457,015 and Jones 4,274,589, as applied to the claims above, further in view of Sauer 4,962,892. The combination does not show said plate including a pin for pivotally connecting same to said handle so that said dolly can be pulled in different directions during operating conditions or at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle. However, Sauer shows, in figures 1-9, a similar apparatus having a plate including a pin for pivotally connecting same to said handle so that said dolly can be pulled in different directions during operating conditions or at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination, as taught by Sauer, to include a pivot pin and plate to improve the versatility of the apparatus by making the handle adaptable to users of varying heights.

***Allowable Subject Matter***

5. Claims 3, 10, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed 01/17/06 have been fully considered but they are not persuasive. Applicant's arguments regarding Taber are noted; however, no arguments regarding claim 1 were presented, thus that rejection stands. Applicant's arguments regarding the elongated member are noted; however, figure 1 clearly shows element 90 extending the length of the pipe while being supported at its general end portions by 101. Applicant's arguments regarding the ropes of being too costly amount to assertions and the requirement of a hoist derrick is not patentably distinct since the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Applicant's arguments regarding the plate are noted; however, the secondary reference Sauer teaches the use of a plate, thus the rejection is maintained.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach  
April 3, 2006

THOMAS A. BEACH  
Primary Examiner  
Group 3600